

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

UNITED STATE OF AMERICA,
Plaintiff

Vs.

ALDRIC HARRIS,
Defendant

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Case Number 3:05cr223LSC

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MOTION TO CORRECT SENTENCE

Comes now Defendant, Aldric Harris, pro se, before this Honorable Court and moves to have the sentencing guide line in this cause re-evaluated as the offense level and the guideline range for this defendant should be within a 34-41 month range as scored by the applicable offense level and the history score, due to the fact that the state court did not proceed with any charges for the alleged criminal act associated with this case and therefore the defendant should not be held accountable for this enhancement under the guideline manual range and application.

The under laying charge is felon in possession of a fire arm 18 U.S.C. 922 (g) and the maximum sentence under this statute is 120 months, of which the defendant was sentenced to, because of the presumption that the defendant had committed a related offense, thus the offense must have resulted in a conviction of which was not the case in this matter before this court on this case.

The Supreme Court has held unanimously that "if the under laying charge does not result in a conviction or is dismissed the defendant can not be and will not be held accountable for those offenses for enhancement purposes" although the state court did not even attempt to present the case before the Grand Jury of the state, the Federal Probation

Office in scoring the case at bar, did given details and enhancement applications to the cause which should be deemed to be inappropriate in this matter now that it is brought to the Courts attention and the sentence is due to be modified accordingly.

WHEREFORE THE FOREGOING CONSIDERED; it is prayed that this Court give the due consideration and adjust the sentence downward for the proper guideline range for the violation of the 18 U.S.C. 922 (g) section and modify the transcript to reflect the same within the 34-41 month range.

Done this 20th day of September, 2006.

Respectfully submitted,

Aldric L. Harris
Aldric Harris #162606
3800 Fountain 6-Dorm
Atmore, Alabama 36053

NOTARY SERVICE

STATE OF ALABAMA }

COUNTY OF ESCAMBIA}

Before me personally appeared ALDRIC HARRIS, and does affirm that the foregoing attached is true and correct to the best of his knowledge and belief. And is known or identified before me by identification and scribed in my presents the accompanying documents.

Done this 21 day of Sept, 2006.

11-5-06
My Commission expires

[Signature]
Notary Public (L.S.)